

of the pelvic organs, Bright's disease, bronchial trouble, bladder trouble, bad circulation, catarrh, catarrhal deafness, constipation, diabetes, eczema, goiter, hay fever, heart disease, high and low blood pressure, headache, hemorrhoids, indigestion, insomnia, lumbago, nervousness, paralysis, painful menstruation, prostate, rheumatism, sciatica, sinus trouble, toxemia, tumors, varicose veins, and ulcers; and that it was effective to increase the elimination of poisons, greatly assisting in the removal of toxic conditions; to promote and equalize circulation of the blood, relieving congestion in every part of the body; to relieve pain and other distressing physical sensations; to produce marked relaxation and promote sound and refreshing sleep; to stimulate a normal functioning of the various glands and other organs of the body; to overcome fatigue which is a usual result of toxemia; to increase efficiency both physical and mental; to exert a revitalizing influence upon the sexual or procreative glands; and to clear the complexion.

DISPOSITION: E. J. Reynolds, Denver, Colo., claimant, filed a motion to strike certain allegations from the libel and a motion for dismissal of the libel, and on August 9, 1951, the court overruled these motions. The claimant filed an answer to the libel on August 11, 1951, and, thereafter, the Government served a number of written interrogatories upon the claimant which were answered.

On or about September 21, 1951, the libel was amended to charge that the device was misbranded not only when introduced into and while in interstate commerce but also while held for sale after shipment in interstate commerce. The Government filed at this time a motion for summary judgment which was argued before the court on November 2, 1951.

On April 16, 1952, the court granted the motion for summary judgment and entered a decree providing for condemnation of the devices, the delivery of 3 of the devices and certain labeling to the Food and Drug Administration, and the destruction of the remainder of the devices and labeling.

A notice of appeal to the Court of Appeals for the Tenth Circuit was filed by the claimant, and on July 16, 1952, pursuant to a stipulation by and between the parties, an order was entered directing the dismissal of the appeal.

4017. Misbranding of Oxydonor device. U. S. v. 5 Devices, etc. (F. D. C. No. 33287. Sample No. 37893-L.)

LIBEL FILED: June 25, 1952, Southern District of New York.

ALLEGED SHIPMENT: The devices were shipped on or about December 12, 1949, December 30, 1950, and January 30, 1951, by the B. J. Riley Mfg. Co., from Newark, N. J. A number of booklets relating to the devices were mailed at various times from Dr. H. Sanche & Co., Ltd., Montreal, Canada.

PRODUCT: 5 *Oxydonor devices*, together with various unassembled parts of the devices consisting of approximately 770 empty cylinders, 1,000 metal discs (ankle plates), 1,000 ankle plate slides, and 500 wire connectors, and a number of booklets entitled "Brief Directions for the use of Oxydonor" and leaflets entitled "Important Notice," at New York, N. Y., in the possession of the Hydrotonic Co. The leaflets had been printed locally.

The complete device consisted of a hollow metal cylinder filled with powdered ferric oxide, into one end of which was screwed a plug to which was attached a length of wire. In the case of some of the devices, there was attached to the other end of the wire a metal disc to which was attached also an elastic tape by means of which the disc could be held against the ankle. In the case of other devices, the wire from the plug was attached to two other wires, each of which was attached to a metal disc and elastic tape as described.

LABEL, IN PART: (Box containing device) "Oxydonor"; (engraved on cylinder) "Oxydonor * * * Manufactured by Dr. H. Sanche & Co., Montreal, Canada * * * Made in U. S. A."; (engraved on disc) "Dr. H. Sanche & Co. * * * Made in U. S. A."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned booklet and leaflet accompanying the devices were false and misleading since the statements represented and suggested that the device was effective in the cure and mitigation of all forms of diseases, whereas the device exerted no curative or therapeutic effect whatever.

Some typical statements contained in the labeling of the device to convey such representations and suggestions were as follows: (Engraved on cylinder) "Diaduction Rules Life," (on booklet) "Condensed Directions For The Proper Use of Oxydonor To cure all forms of Disease quickly, intangibly, pleasantly, infallibly, during sleep, or while awake; and to brace the Human System in all conditions, with Animation never before known, and not otherwise attained, whether in Disease or Debility, or in Fatigue, and in all Physical and Mental Ordeals. To Induce a Diaductive Cure of Disease," and (in leaflet) "* * * If an acute disease is to be treated, such as severe cold, severe pain, sprains, croup, etc., apply Oxydonor at once * * * In chronic diseases, apply Oxydonor."

DISPOSITION: August 19, 1952. Default decree of condemnation. The court ordered that a number of the devices and their parts, together with copies of the booklets and leaflets, be delivered to the Food and Drug Administration, and that the remainder of the devices and parts and booklets and leaflets be destroyed.

4018. Misbranding of Roller Relaxer device. U. S. v. 85 Devices * * *. (F. D. C. No. 34031. Sample No. 14048-L.)

LIBEL FILED: October 27, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about August 18, 1952, by Post & Post, from Los Angeles, Calif.

PRODUCT: 85 *Roller Relaxer Devices* at Denver, Colo. Examination showed that the device consisted of 3 rubber balls mounted so that they would rotate on an axis between two wooden handles.

LABEL, IN PART: (Cardboard insert) "Relax the Entire Body with the Post Roller Relaxer * * * Easy-N-Quick-Beauty Stick."

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the devices, namely, the cardboard insert, represented and suggested that use of the device would relax nerves and muscles and enable overweight persons to reduce. The statements were false and misleading since the device was not effective for such purposes.

DISPOSITION: December 16, 1952. Default decree of condemnation. The court ordered that the product be turned over to the Food and Drug Administration.

DRUGS FOR VETERINARY USE

4019. Misbranding of Airsac-Treat (powder and liquid). U. S. v. 9 Bags, etc. (F. D. C. No. 34445. Sample No. 38891-L.)

LIBEL FILED: December 17, 1952, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about July 28 and August 18, 1952, by the Early Poultry Supply (Subsidiary of Airsac-Treat, Inc.), Broadway, Va.